

1 Mark A. Pals, P.C. (*pro hac vice*)  
2 mpals@kirkland.com  
3 Marcus E. Sernel, P.C. (*pro hac vice*)  
4 msernel@kirkland.com  
5 KIRKLAND & ELLIS LLP  
6 300 North LaSalle  
7 Chicago, IL 60654  
8 (312)862-2000 (o); (312)862-2200 (f)  
9 Daralyn J. Durie (SBN 169825)  
10 ddurie@durietangri.com  
11 Mark Lemley (SBN 155830)  
12 mlemley@durietangri.com  
13 DURIE TANGRI LLP  
14 217 Leidesdorff Street  
15 San Francisco, CA 94111  
16 (415)362-6666 (o); (415)236-6300 (f)

17 Attorneys for GENENTECH, INC.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

1 CENTOCOR ORTHO BIOTECH,  
2 INC.,

3 Plaintiff,

4 v.

5 GENENTECH, INC. and CITY OF  
6 HOPE,

7 Defendants.

8 GENENTECH, INC. AND CITY OF  
9 HOPE,

10 Counter-Plaintiffs

11 v.

12 CENTOCOR ORTHO BIOTECH,  
13 INC.

14 Counter-Defendant

15 AND

16 GLOBAL PHARMACEUTICAL  
17 SUPPLY GROUP, LCC, CENTOCOR  
18 BIOLOGICS, LLC, AND JOM  
19 PHARMACEUTICAL SERVICES,  
20 INC.

21 Third-party Defendants.

22 David I. Gindler (SBN 117824)  
23 dgindler@irell.com  
24 Joseph M. Lipner (SBN 155735)  
25 jlipner@irell.com  
26 IRELL & MANELLA, LLP  
27 1800 Avenue of the Stars  
28 Los Angeles, CA 90067  
(310)277-1010 (o); (310)203-7199 (f)

Attorneys for CITY OF HOPE

Case No. CV 08-03573 MRP (CTx)

The Honorable Mariana R. Pfaelzer

**ORDER AMENDING THE  
OCTOBER 20, 2009 STIPULATED  
PROTECTIVE ORDER**

Having considered Genentech Inc.'s Motion to Amend the Stipulated Protective Order, Centocor Ortho Biotech Inc.'s opposition thereto, and the arguments of the parties for and against the Motion, and for the reasons explained at the July 19, 2010 hearing on the Motion,

IT IS HEREBY ORDERED THAT:

1. The Stipulated Protective Order entered by this Court in this matter on October 20, 2009 is hereby amended to incorporate Paragraph 26 as follows:

“26. Notwithstanding the foregoing, certain Confidential Material produced by Centocor consisting of (1) the Patent License Agreement between Celltech Therapeutics Limited (“Celltech”) and Centocor dated March 31, 1998; (2) the Patent License Agreement between UCB Pharma S.A./UCB Celltech and Centocor dated October 1, 2008 and all collateral agreements between those parties dated on or around October 1, 2008; (3) correspondence between Centocor and Celltech concerning such agreements identified in the June 17, 2010 letter of Hannah Williams to Allen Norris; and (4) portions of the deposition testimony of Ken Dow (dated August 12, 2009) and Nicholas D'Aleandro (dated August 12, 2009) concerning such agreements (collectively the “Potential Arbitration Material”) may be divulged to Gerson Zweifach, Jessamyn Berniker and John Williams of the law firm of Williams & Connolly LLP, outside counsel to Genentech, and to their paralegals and other support staff at Williams & Connolly LLP, for the purposes of counseling Genentech and, if necessary, commencing a private AAA arbitration proceeding against UCB Celltech and/or its subsidiaries (the “Genentech/Celltech Arbitration”). The Potential Arbitration Material may be disclosed in the ordinary course of the Genentech/Celltech arbitration only to the parties, the AAA, the arbitrators and to such other witnesses or persons agreed to by the parties to the arbitration or ordered by the arbitral tribunal. Within thirty (30) days of the conclusion of the Genentech/Celltech Arbitration, including any

1 appeal therefrom, Genentech shall inform Centocor of the conclusion of the  
2 arbitration and Centocor shall have the option to request the procedure  
3 enumerated in ¶ 21 of this Stipulated Protective Order, with Genentech able to  
4 take advantage of the exceptions contained therein.”  
5

6 IT IS SO ORDERED  
7

8 Dated: July 28, 2010  
9

  
Hon. Mariana R. Pfaelzer  
United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28